

Application No. 09/475,544  
Amendment dated August 3, 2004  
Reply to Office Action of May 3, 2004

### **REMARKS/ARGUMENTS**

Responsive to the Official Action mailed May 3, 2004, applicants have further revised the claims of their application in an earnest effort to place this case in condition for allowance. Specifically, independent claims 1, 13, 47, 76, and 92 have been amended. Reconsideration is respectfully requested.

In the Action, the Examiner allowed claims 45 and 46, which is noted with appreciation. In the accompanying statement, the Examiner indicated her reasons for allowance of these claims. In an effort to advance prosecution, applicants have revised the remaining independent claims of their application to include the structural limitations noted by the Examiner in her stated reasons for allowing claims 45 and 46. Applicants agree with the Examiner that the prior art of record fails to teach a hydroentangled nonwoven fabric that has machine-direction elongation values of at least 75%, and a cross-direction elongation value of at least 90%, with the claims further specifying that the fabric exhibits tensile strength generally proportional to cross-direction and machine-direction elongation values. These structural characteristics of the present fabric are believed to be important distinguishing characteristics of the fabric, since formation of the present fabric by hydroentanglement of continuous filaments creates a fabric which exhibits unique structural characteristics, particularly the tensile strength characteristics exhibited by the fabric when it is subjected to cross-direction or machine-direction elongation. As discussed in the specification, these characteristics result from the manner in

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which the filaments of the fabric become dis-entangled, attendant to elongation, while avoiding breakage of the filaments.

In the Action, the Examiner rejected the pending claims under 35 U.S.C. §103, with reliance upon U.S. Patent No. 3,692,618, to Dorschner et al., and U.S. Patent No. 4,107,374, to Kusunose et al., further in view of U.S. Patent No. 4,808,467, to Suskind et al. Applicants have previously discussed what are believed to be the clear shortcomings in the teachings of these references, even when combined, and accordingly, the Examiner's rejections are respectfully traversed.

As noted above, the filaments of the present nonwoven fabric construct are substantially free of breaking, wrapping, and knotting. As a consequence, relatively high elongation values are obtained for the fabric, which values are achieved by virtue of the meshed coils and loops of the fabric filaments disengaging, and straightening and elongating under a load. Again, these structural characteristics of the fabric are reflected by the structural elongation properties specified in the pending claims, including the exhibited tensile strength being generally proportional to cross-directional and machine-directional elongation values.

With regard the principal Dorschner et al. patent, applicants have previously submitted evidence showing that hydroentanglement and needle punching processes are not considered to be equivalent by those skilled in the art. Thus, it is respectfully maintained that it would not be an obvious expedient to substitute a needling process for hydroentanglement of filaments. Again, applicants' novel

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fabric exhibit structural properties which are clearly distinct from the prior art, and as such, it is believed that applicants' amended claims are further patentably distinct from the combined teachings of the combined references.

In response to the Examiner's double patenting rejection, applicants respectfully note they have previously submitted a Terminal Disclaimer referencing co-pending application Serial No. 09/287,673.

In view of the foregoing, formal allowance of claims 1, 2, 4, 6, 7, 9-13, 47-51, and 76-92, in addition to allowed claims 45 and 46 is believed to be in order and is respectfully solicited. Should the Examiner wish to speak with applicants' attorneys, they may be reached at the number indicated below.

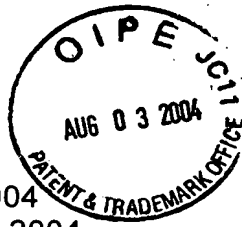
The Commissioner is hereby authorized to charge any additional fees which may be required in connection with this submission to Deposit Account No. 23-0785.

Respectfully submitted,

By   
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CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service with sufficient postage at First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on **August 3, 2004.**

A handwritten signature in cursive script, appearing to read "John D. Smith", written over a horizontal line.